

Colorado Department of Public Health and Environment

Water Quality Control Division

FY2012 End-of-Year Review

Oversight Level

Region 8 EPA conducted the minimum baseline level and limited targeted level of oversight in the state of Colorado during fiscal year 2012. The Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) baseline oversight activities consisted of review and documentation toward meeting performance partnership agreement (PPA) commitments; routine communication and information sharing; Watch List and Quarterly Noncompliance Report (QNCR) review; limited data metrics review; follow up on citizen complaints, open action items, and recommendations from previous reviews; and oversight inspections and activities required by national program guidance. The specific targeted oversight activities included quarterly meetings, follow up on State Review Framework (SRF) Tracker items, and assistance clarifying the EPA's Single Event Violation (SEV) policy as the WQCD is creating their own policy as directed by the Performance Partnership Agreement (PPA).

Program Highlights

- The WQCD exceeded its inspection commitments for majors, MS4 screening, and CAFOs.
- In FY2011 Region 8 conducted a SRF investigation for FY2010. Inspection report completeness was identified as an issue and was placed in SRF tracker. The WQCD updated their standard operating procedures in FY2012 to address the completeness and consistency issues identified in the SRF.
- The WQCD experienced high turnover in FY2012 of both senior level managers and staff level inspectors. The Division continued to produce the same quality and quantity of work despite the challenges of this transitional year.

Areas of Concern

- Region 8 conducted one oversight inspection at the Colowyo Coal Mine. The EPA found the WQCD inspector was knowledgeable in many areas of the permit but did not identify some issues found by the EPA inspectors.
- In FY2011 Region 8 conducted a SRF investigation for FY2010. Inspection coverage and commitments for construction and industrial stormwater sectors were identified as an issue and were placed in SRF tracker. Both commitments were not met in FY2010 and were not met again in FY2011 and FY2012.

Annual Data Verification Report

Inspection coverage for majors in Colorado was 23.9% in FY2012, whereas nationally the average was 57.6%. As described in the FY2012 inspection plan for the WQCD, the state uses the Inspection Targeting Model developed by OECA to determine their inspection coverage for majors. Therefore, majors in Colorado have a good compliance history and do not require the biannual inspection commitment lined out in the Compliance Monitoring Strategy. See Table 1 for a break out of the inspection commitments and those reported through the ICIS NPDES database as well as on the EOY report from WQCD.

Colorado has a lower SNC rate (15.6%) than the national average (20.6%) and fewer majors in non compliance status (48.7%) versus the national average (60.3%).

Table 1: FY12 inspection commitments in the PPA, inspections reported in ICIS, and inspections reported in the CDPHE EOY report. EPA is continuing to verify numbers and would like state feedback to assist in rectifying any differences. The ICIS data is included in an attached spreadsheet.

	PPA commitment	# Completed (EOY Report)	# Completed (ICIS Database)
Majors	27	30	28
Minors	121	92	85
CAFO	40	41	14
Stormwater construction	70	24	*
Stormwater industrial	96	63	*
Phase II MS4 Audits	4	0	*

*These are not required WENDB elements and are not entered into ICIS by Colorado.

Annual Commitments

The WQCD submitted all reports required by the PPA to Region 8 on time and to EPA's knowledge all information provided was accurate.

Watch List

There were a total of ten facilities on the Watch List in Colorado during FY 2012. The London Water Tunnel (CO0038334) appeared on the Watch List every quarter in 2012 due to zinc limit violations. One facility appeared on the Watch List for three consecutive quarters for selenium violations. Other facilities are under compliance schedules or enforcement actions with injunctive relief that will bring them back into compliance with the various effluent limit violations that caused them to appear on the Watch List.

Follow-up from Previous Reviews

The FY10 SRF report resulted in two areas for state improvement; inspection report completeness and inspection commitments for stormwater. These two items are currently in SRF tracker. The state made progress to address the

report completeness issue and will adjust future inspection commitments in other sectors to meet their stormwater sector commitments.

Oversight Activities Planned for Next Year

An Oversight Plan describing specific oversight activities planned for next year will be provided to the State in draft form by April 30, and final by September 30th. Specific baseline and targeted activities will be in accordance with the *Regional Plan for Region 8's Implementation of the State Review Framework (SRF), Uniform Enforcement Oversight System (UEOS) and Other Oversight Activities for the CWA NPDES, CAA Stationary Sources, RCRA Subtitle C, and Public Water System Supervision (PWSS) Enforcement Programs through FY 2013* (Oversight Protocol) and will be based on the results of this review.

Attachments

FY12 Data Metrics Spreadsheet from OTIS
FY12 Watch List Spreadsheet

cc: Region 8 State Enforcement Program Coordinator